

**REMARKS**

Claims 1-4 stand rejected under 35 U.S.C. stand rejected under 35 U.S.C 103(a) as being as being unpatentable over Takeuchi et al. (U.S. Patent No. 6,321,260).

Claims 1-4 are pending.

Applicants respectfully submit that the pending claims, as amended, are patentable for at least the following reasons.

Claim 1 has been amended to recite “after transmission of the data packets begins.”

As previously indicated, Takeuchi relates to a media data communication method via a network. In particular, before starting data transfer, the sender node sends the CONNECT message requesting security of hardware resources necessary for data transfer to the receiver node (see Abstract).

The Final Office Action states that Takeuchi discloses that the application requests establishment of a logical connection prior to transfer of continuous media data (e.g., data packets). The Office Action also states that one of ordinary skill in the art can interpret the logical connection as being after transmission begins.

As noted above, Claim 1 has been amended to further clarify the “after transmission” feature recited therein. In this regard, nothing found in Takeuchi teaches or suggest the limitations of after transmission of the data packets begins, determining, in the first part or interface, the number of data packets being transmitted in a predetermined time; and reserving, in the second part, sufficient information carrying capacity,

corresponding to at least one data packet in excess of the number determined, as specifically recited in amended claim 1.

Since Takeuchi does not teach, show or suggest all of the features of amended independent claim 1 and 3, as recited above, applicant respectfully submits that these claims are patentable over these references.

Claims 2 and 4 in this application are each dependent from one or the other of independent claims discussed above and are, therefore, believed allowable and patentable for at least the same reasons.

Reconsideration and withdrawal of this ground of rejection is respectfully requested.

This Amendment After Final Rejection is believed clearly to place this application in condition for allowance and its entry is therefore believed proper under 37 C.F.R.

§ 1.116. In any event, however, entry of this Amendment After Final Rejection, as an earnest effort to advance prosecution and reduce the number of issues, is respectfully requested.

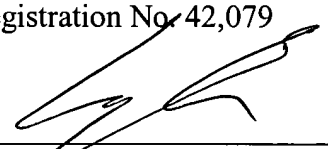
For all the foregoing reasons, it is respectfully submitted that all the present claims are patentable in view of the cited references. A Notice of Allowance is respectfully requested.

Respectfully submitted,

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10/22/03

  
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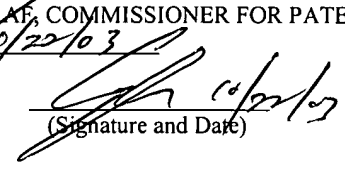
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